

## **REGULAR MEETING**

### **March 13, 2000**

The Regular Meeting of the Annapolis City Council was held on March 13, 2000 in the Council Chamber. Mayor Johnson called the meeting to order at 7:35 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke, Transportation Director Matland, Planning and Zoning Director Arason, Human Resource Director Milburn

Closed Session: *Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:*

*A closed session of the City Council was held at 9:05 p.m., Monday, February 28, 2000 in the City Council Chamber.*

*Present: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer, City Attorney Goetzke, City Clerk Bembe*

*By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(8). The purpose of the meeting was to consult with staff, consultants, or other individuals about pending or potential litigation. No action was taken.*

Alderman Gilmer moved to approve the Minutes of February 14, 2000 and February 28, 2000. Seconded. CARRIED on voice vote.

Alderman Sachs moved to open the Closed Minutes of February 28, 2000 to the public. Seconded. CARRIED on voice vote.

Mayor Johnson presented a Proclamation to City Clerk Patricia L. Bembe.

Mayor Johnson and Human Resource Director Milburn presented Police Corporal Jerome Shai with a 25 years of service award.

## **PETITIONS, REPORTS AND COMMUNICATIONS**

1. Steve Carr and Jan Hardesty  
Greenscape 2000

Gave a brief presentation.

2. Julie Stankivic  
906 Primrose Road, Apt. 204  
Annapolis, Md. 21403

Spoke regarding O-24-99 and the purchase of 8.6112 acres on Cove Road

3. Debbie Rosen McKerrow  
Admiral Heights Improvement Association  
450 Schley Road  
Annapolis, Md. 21401

Spoke in opposition to a proposed visitors center.

4. Sylvanus Jones  
16 Bausum Drive  
Annapolis, Md. 21401

Spoke in opposition to O-24-99.

5. Tanya Booth  
66 College Creek Terrace  
Annapolis, Md. 21401

Spoke in opposition to O-7-00.

6. Gretchen Cliff, Co-Chair  
Wardour/West Annapolis Planning Team  
6 Kent Road  
Annapolis, Md. 21401

Spoke in opposition to a proposed visitors center.

7. Robert Eades  
O'Bery Court Tenant Council  
144 O'Bery Court  
Annapolis, Md. 21401

Spoke in opposition to O-7-00 and in support of R-8-00.

8. Harold Lloyd  
72 Southgate Avenue  
Annapolis, Md. 21401

Spoke in opposition to O-7-00/

9. Bertina Nick  
110 Clay Street, Apt. A  
Annapolis, Md. 21401

Spoke in opposition to O-7-00.

There being no voiced objection, the order of the Agenda was amended.

## **LEGISLATIVE ACTION ORDINANCES**

- O-50-99 For the purpose of conveying, by deed, the City's rights, title and interest in the property known as 324 West Street (formerly the Texaco Service Station) and 2 Taylor Avenue in the City of Annapolis, to JBJ Management Company, Inc. ("JBJ"); providing for the property to be sold at private sale; and all matters relating to said deed.**

Alderman Hammond moved to adopt O-50-99 on second reading. Seconded.

The Finance Committee reported favorably on O-50-99.

Alderman Gilmer moved to attach the Purchase and Sale Agreement to Ordinance O-50-99. Seconded. CARRIED on voice vote.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt O-50-99 on third reading. Seconded. CARRIED on voice vote.

The regular order of the Agenda was resumed.

**O-24-99 For the purpose of revising the water and sewer rates for the City of Revised Annapolis; and all matters relating to said water and sewer rates.**

Alderman Sachs moved to adopt O-24-99 Revised on second reading. Seconded.

The Finance Committee reported favorably on O-24-99 Revised.  
The Environmental Matters Committee reported favorably with amendments.

Alderman Tolliver moved to amend O-24-99 Revised as follows:

**Amendment No. 1:**

On Page 2, line 39, after "A" insert "1".

**Amendment No. 2:**

On Page 2, line 40, after "water consumption" insert ", as defined in subsection 2 of this section.".

**Amendment No. 3:**

On Page 3, line 1, strike "1" and substitute "a"; on that same page, line 4, strike "2" and substitute "b".

**Amendment No. 4:**

On Page 3, line 11, insert the following:

"2. For the purposes of this section, "water consumption" shall be determined as follows:

a. With the billing for the second quarter of each calendar year, the city shall ask each addressee within the city who is billed for sewer services and who is a year-round resident of that property to indicate before July 1 of that year a preference for billing in each quarter of the fiscal year based on:

1. Actual water consumption in each quarter; or

2. Actual water consumption during the 1<sup>st</sup> and 4<sup>th</sup> quarters of the calendar year and a computed water consumption during the 2<sup>nd</sup> and 3<sup>rd</sup> quarter of the calendar year, to be based on the average water consumption in each of the two prior quarters and the city shall calculate the charges for sewer service based on the stated preference of occupant.

b. If an occupant fails to indicate a billing preference by July 1 in any year, the occupant shall be billed based on actual water consumption."

NOTE: These amendments provide that during summer months, the water consumption to which sewer rates are applied may be based on the average water consumption during the winter months under certain conditions.

Seconded. CARRIED on voice vote.

Alderman Gilmer moved to amend O-24-99 Revised as follows:

**Amendment No. 1:**

On Page 2, line 23, add the following:

“C. A resident may request in writing to make monthly payments. There shall be a four percent surcharge for this service.”

Reletter subsequent sections accordingly.

**Amendment No. 2:**

On Page 3, line 11, add the following:

B. A resident may request in writing to make monthly payments. There shall be a four percent surcharge for this service.”

Reletter subsequent subsections accordingly.

Seconded. CARRIED on voice vote.

Alderman Tolliver moved to amend O-24-99 Revised as follows:

**Amendment No. 1:**

On page 3, line 1, delete “of eighteen dollars and nineteen cents” and at the end of time 2, insert “according to the following schedule:

for the balance of fiscal year 2000 and for fiscal year 2001- \$15.32;  
for fiscal year 2002 and thereafter - \$18.19”

On page 3, line 8, insert “for the balance of fiscal year 2000 and for fiscal year 2001”; on the same page, line 9, delete “\$2.82” and substitute “\$2.38”; on the same page, line 10, delete “\$3.29” and substitute “\$2.65”; and

On page 3, following line 10, insert “for fiscal year 2002

5001 to 35,000	\$2.82
All over 35,000	\$3.18

for fiscal year 2003 and thereafter

5001 to 35,000	\$2.82
All over 35,000	\$3.29

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Gilmer, Carter  
NAYS: Mayor Johnson, Aldermen Sachs, McMillan, Fox, Moyer  
DEFEATED: 5-4

The main motion, as amended, CARRIED on voice vote.

Alderman Sachs moved to adopt O-24-99 Revised as amended on third reading.  
Seconded. CARRIED on voice vote.

**O-37-99 For the purpose of establishing a definition of “Institution for the Care of the Aged” consistent with the long-standing interpretation and application by the City of the zoning regulations regarding such institutions; and all matters relating to said definition.**

Alderman Fox moved to adopt O-37-99 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-37-99.

Alderman Hammond moved to amend O-37-99 as follows:

**Amendment No. 1:**

On Page 1, amend lines 31 through 36 as follows:

“Institution for the Care of the Aged” means a building or buildings which provide housing for senior citizens aged sixty-two and older and which include seniors specific amenities and services that, as a minimum include: a communal area for dining or social activities, a dedicated medical examination room, an emergency response system for each dwelling unit, a library, exercise facilities, an internal trash chute for each building, and elevators for each multi-story structure meet the nutritional, social, recreational, medical, safety and transportation needs of the residents. This requirement may be met through the provision, for example, of meal service with common dining facilities, physical therapy facilities and activities, social and recreation facilities and activities, exercise facilities, meeting rooms and library service, health care service including a dedicated medical examination room, and personal services such as either an internal trash chute or trash pickup for each unit, an emergency response system for each unit and cleaning services for each unit.

The scope and type of services and facilities required will be as determined appropriate for the specific institution and subject to a determination by the director of planning and zoning that the services meet the goals established herein.

All facilities and services provided by the institution shall meet the ADA definition of accessibility and all residential or living units of the facility shall meet the ADA definition of adaptability.

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

Alderman Hammond moved to adopt O-37-99 as amended on third reading. Seconded. CARRIED on voice vote.

**O-38-99 For the purpose of providing that charges for garbage and refuse collection for dwelling units are not required to be shown on the quarterly water bills of property owners; and matters generally relating to said charges.**

Alderman Sachs moved to adopt O-38-99 on second reading. Seconded.

The Housing and Human Welfare Committee reported unfavorably on O-38-99.

Alderman Sachs moved to amend O-38-99 as follows:

**Amendment No. 1:**

Due to the adoption of O-16-99 on 2/14/00, amend Page 1, lines 36 through 39 as follows:

A. For garbage and refuse collection from dwelling units within the city, an annual charge of ~~two hundred sixty-seven dollars as established by resolution of the city council~~ per dwelling unit shall be assessed and collected by the director of finance. This charge shall be shown upon the quarterly water bill of the property owner, and shall be a lien upon the property.

Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken on the main motion, as amended:

YEAS: Mayor Johnson, Aldermen Sachs, Fox.

NAYS: Aldermen Hammond, Tolliver, Gilmer, McMillan, Carter, Moyer

DEFEATED: 6-3

**O-48-99 For the purpose of amending the B1 Convenience Shopping District to permit nonprofit educational, cultural or civic offices; and matters generally relating to said District.**

Alderman Hammond moved to adopt O-48-99 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-48-99.

The main motion CARRIED on voice vote.

Alderman Sachs moved to adopt O-48-99 on third reading. Seconded. CARRIED on voice vote.

**O-3-00 For the purpose of authorizing the conveyance of certain real property located at 18 and 20 Pinkney Street in the City of Annapolis known as the Shiplap House to the State of Maryland by Quitclaim Deed; authorizing the execution of an Agreement, a Release and Termination of Lease with Historic Annapolis Foundation and a Quitclaim Deed to effectuate the conveyance; and all matters relating to said conveyance.**

Alderman Hammond moved to adopt O-3-00 on second reading. Seconded.

The Finance and Economic Matters Committees reported favorably on O-3-00.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-3-00 on third reading. Seconded. CARRIED on voice vote.

**O-7-00 For the purpose of clarifying that individuals violate City Code Section 11.12.067 after disobeying the order of a police officer to move on; amending references to "conversations" in Section 11.12.067; and adding an additional element to current Section 11.12.067E.3.; and all matters relating to said loitering prohibitions.**

Alderman Sachs moved to adopt O-7-00 on first reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to suspend the rules to dispense with the fiscal impact note and third reading on O-7-00. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt O-7-00 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Johnson, Aldermen Hammond, Tolliver, Sachs, McMillan, Fox  
NAYS: Aldermen Gilmer, Carter, Moyer  
CARRIED: 6-3

- O-8-00 For the purpose of conveying, by special warranty deed, a certain portion of the road bed of Claude Street in the City of Annapolis, to an adjacent property owner whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; providing for the conveyance, by special warranty deed, to the City of Annapolis, of certain real property fronting on Claude Street; providing for the reservation by the said property owner to the City of Annapolis of a certain utility easement; and all matters relating to said special warranty deeds and reservation of utility easement.**

Alderman Hammond moved to adopt O-8-00 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

## **RESOLUTIONS**

- R-3-00 For the purpose of designating the neighborhood known as Robinwood in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-3-00 on second reading. Seconded. CARRIED on voice vote.

Alderman Tolliver requested the record reflect her abstention on R-3-00.

Aldermen Gilmer, Carter and Moyer requested the record reflect their negative vote on R-3-00.

- R-4-00 For the purpose of designating a certain area located within five hundred feet of 24 Pleasant Street in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-4-00 on second reading. Seconded. CARRIED on voice vote.

Aldermen Tolliver and Moyer requested the record reflect their abstention on R-3-00.

Aldermen Gilmer and Carter requested the record reflect their negative vote on R-3-00.

- R-5-00 For the purpose of designating areas located within five hundred feet of 1003 Monroe Street in the City of Annapolis as a Drug-Loitering Free Zone; and all matters relating to said designation.**

Alderman McMillan moved to adopt R-5-00 on second reading. Seconded. CARRIED on voice vote.

Alderman Tolliver and Moyer requested the record reflect their abstention on R-3-00.

Aldermen Gilmer and Carter requested the record reflect their negative vote on R-3-00.

There being no voiced objection, the order of the Agenda was amended.

## **BUSINESS AND MISCELLANEOUS**

### **Civil Service Board Recommendations for Action dated December 20, 1999**

Alderman Sachs moved to approve the Civil Service Board Recommendations for Action dated December 20, 1999. Seconded. CARRIED on voice vote.

The regular order of the Agenda was resumed.

## **LEGISLATIVE ACTION**

### **RESOLUTIONS**

**R-6-00 For the purpose of approving amendments to the job descriptions for the civil service positions in the Department of Transportation of Fleet Mechanic, Fleet Mechanic Supervisor and Transportation Superintendent; creating a new civil service position known as Marketing Specialist; eliminating the existing civil service position of Deputy Transportation Director; establishing the pay grade for said job descriptions; and all matters relating to said job descriptions and pay grades.**

Alderman Sachs moved to adopt R-6-00 on second reading. Seconded. CARRIED on voice vote.

**R-7-00 For the purpose of developing an action plan for a mixed use parking Amended facility at Colonial Avenue and West Street; and all matters relating to said action plan.**

Alderman Hammond moved to adopt R-7-00 on second reading.

Alderman Hammond moved to attach the document entitled "Cecil Knighton property - Development Program Objectives Committee" to R-7-00. Seconded. CARRIED on voice vote.

Alderman McMillan moved to amend R-7-00 Amended as follows:

On Page 2, strike line 31 in its entirety and substitute the following:

Whether or not any of the structures should be rehabilitated, taking into account expenses, practicability and historical significance, if any.

Seconded. DEFEATED on voice vote.

The main motion CARRIED on voice vote.

**R-8-00 For the purpose of directing the City of Annapolis Department of Public Works to inspect all property managed by the Housing Authority of the City of Annapolis as provided by the City Code; and all matters relating to said property and inspection.**



Alderman McMillan moved to adopt R-8-00 on first reading. Seconded. CARRIED on voice vote.

## **BUSINESS AND MISCELLANEOUS**

**1. Supplemental Retirement Request - Sharon S. Cyrus**

Alderman Hammond moved to approve the Supplemental Retirement Request for Sharon S. Cyrus. Seconded. CARRIED on voice vote.

**2. Finance Committee Recommendations for Action dated February 16, 2000**

Alderman Sachs moved to approve the Finance Committee Recommendations for Action dated February 16, 2000. Seconded. CARRIED on voice vote.

**3. Payment of Monthly Bills**

Alderman Sachs moved to pay the monthly bills. Seconded. CARRIED on voice vote.

**4. Appointments**

Alderman Gilmer moved to approve the Mayor's appointments of the following individuals as set forth in Memoranda dated March 9, 2000:

Ethics Commission	.....	Rex S. Caldwell, III
Transportation Board	.....	Paul D. Copeland
Transportation Board	.....	Brandon Soffer

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:45 p.m.

**Patricia L. Bembe, MMC,  
City Clerk**